

Amend 2 Cal. Code Regs. Section 18734 to read:

§ 18734. ~~Designated Employees and Consultants~~ – New Positions Pending Code Adoption or Amendment.

(a) New Positions and Consultants – Interim Disclosure: Consultants and individuals in newly created positions as set forth in Regulation 18219, including positions at newly created agencies, that make or participate in the making of decisions that may foreseeably have a material effect on any financial interest shall file interim disclosure under this category.

(b) Disclosure Requirements: ~~Persons~~ Individuals in positions specified in subdivision (a) of this regulation shall file under the broadest disclosure category in the agency's conflict-of-interest code or, if the agency does not have a conflict-of-interest code, provide full disclosure until the a new agency amends its code is adopted and approved to reflect the position.

However, if the position does not involve duties that require disclosure under the broadest disclosure category or under full disclosure, the agency ~~may determine that the broadest disclosure is not necessary and~~ must set interim disclosure that is more tailored to the positions with a position's limited range of duties. This determination shall include a description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements. Full disclosure means that the statement discloses all investments and interests in real property held on the date of assuming office, and income received during the 12 months immediately preceding assuming office. The code reviewing body shall determine the filing location for statements.

(c) The Commission shall prescribe a form on which an agency must report disclosure requirements pursuant to this regulation. The form must include, at a minimum, the following information:

1 (1) A list of new positions not covered in an agency conflict-of-interest code, the
2 position's duty statement or description, and the disclosure requirements for each position.

3 (2) Newly created agencies must list consultants that file a statement of economic
4 interests pursuant to a contract. Information must include a description of the associated
5 governmental duties and an explanation of the disclosure requirements. This information is also
6 required when an existing agency tailors disclosure for a consultant.

7 (3) The form must be signed by the agency head.

8 (d) Public Records: Records pertaining to positions that file under this category are public
9 records and must be retained for the public's inspection in the same manner and location as the
10 agency's conflict-of-interest code as set forth in Section 81008(a). This includes any written
11 documents that support a limited disclosure category.

12 ~~(d)~~ (e) Time of Filing: Persons in positions specified in this regulation shall file an initial
13 statement within 30 days of assuming office and shall continue to file annually in the same
14 manner and location specified in the agency's conflict-of-interest code.

15 ~~(e)~~ (f) Annual Statement: Any statement filed under this provision is deemed to satisfy
16 the requirement of Section 87302(b), which requires that an initial or annual statement be filed.

17 ~~(f)~~ (g) Nothing in this regulation shall be construed to exempt any agency from
18 complying with provisions of Section 87306.

19 NOTE: Authority cited: Section 83112, Government Code. Reference: Section 87302,
20 Government Code.